UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 4 1989

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Garah F. Helms
Chairman, USWAG Tanks Committee
Utility Solid Waste Activities Group
c/o Edison Electric Institute
Suite 601
1111 Nineteen Street, N.W.
Washington, D.C. 20036

Dear Mr. Helms:

This responds to your enclosed February 21, 1989 request for EPA guidance on whether the typical response actions of the utility industry to various types of confirmed releases from underground emergency generator tanks at nuclear power stations are in conformance with the final UST corrective action regulatory requirements of 40 CFR 280.61 (b) and 280.62 (a)(l). In general, we can affirm your basic understanding that when a release from an emergency generator tank is confirmed, the nuclear facility's owner and operator must begin to take immediate action to prevent further releases, including action that leads to the removal of as much of the regulated substance from the UST system as is necessary.

Section 280.61 (b) requires that within 24 hours some form of immediate action be taken to prevent any further release. Unless, directed to do otherwise by the implementing agency, section 280.62 (a) (1) also requires the removal of as much of the regulated substances from the UST system as is necessary to prevent further release into the environment. However, these two provisions were not intended to require that all regulated substances must be removed, from even begun to removed, from every suspect tank within 24 hours of release confirmation. EPA recognizes that such quick action may be unnecessary or physically impossible at many sites.

Although removal of product from the tank within 24 hours is not always achievable or necessary, it may sometimes be a necessary abatement measure to protect human health and the environment; for example, when there is a threat of a continued and rapid loss of product into the environment. Where alternative fuel supplies can be provided in a timely manner, it may also be the preferred approach with slowly leaking emergency generator tanks at nuclear facilities in order to minimize the cost and complexity of the required corrective action. Of course any fire, explosion, or vapor hazards due to leaking UST systems must always be identified and immediately mitigated, regardless of whether or not the tank is immediately emptied. Also, the owner and operator must initiate an investigation to determine if free product is present and, if so begin its removal as soon as practicable. Such corrective action steps must proceed in a timely manner and be reported to the implementing agency as required in the regulations.

I hope this letter provides the clarifications you need on this subject. If we can be of any more assistance in this matter please let me know.

Sincerely,

James McCormick, Director
Policy & standards Division
Office of Underground Storage Tanks

Enclosure